

**Amendments to the Drawings:**

The attached drawing sheet includes changes to Figure 5. In Figure 5, the duplicated instances of reference numerals 17a, 17b, 17y, and 17z are amended to 47a, 47b, 47y, and 47z, according to the accompanying written description in the specification.

## REMARKS/ARGUMENTS

In the Office Action mailed October 5, 2007, claims 1-10 were rejected. Additionally, the drawings were objected to. In response, Applicant hereby requests reconsideration of the application in view of the amended claims and the below-provided remarks. No claims are canceled.

For reference, claims 1, 6, and 8-10 are amended. In particular, each of the indicated claims is amended to clarify the language of the claims. These amendments are supported, for example, by the original language of the claims, as well as the accompanying subject matter described in the specification. Also, claims 11 and 12 are added. Each of claims 11 and 12 depends from claim 10 and is supported by the original language of claim 10, as well as the accompanying subject matter described in the specification.

### Response to Drawing Objections

The drawings were objected to because reference character “17” is duplicated in Fig. 5. Applicant submits that claim 5 is amended to change the second set of reference characters from “17” to “47” in order to avoid the duplication. This amendment to Fig. 5 conforms to the description of Fig. 5 in the specification. Applicant appreciates the Examiner’s attention to the drawings and respectfully requests that the objection to the drawings be withdrawn.

### Claim Rejections under 35 U.S.C. 112

Claims 6 and 8-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits that the indicated claims are amended to address the issues raised in the Office Action.

In particular, claim 6 is amended to clarify the reference to the chip card. Claim 8 is amended to clarify the reference to the delayed pulse fed through the transmitter unit and the receiver unit of the base station, in contrast with the pulse fed through the entire first delay element. For further clarification, the specification provides an example in

which the delayed pulse fed through the transmitter and receiver units of the base station is delayed by delay stages 17a, 17b, and 17y, but not by delay stage 17z, before being sent to the transmitter unit. Present Application, page 11, lines 20-26. In comparison, the other pulse is fed through all of the delay stages 17a, 17b, 17y, and 17z of the first delay element. Claim 8 is also amended to remove the phrase “i.e.” from the claim. Claim 9 is amended to clarify the reference to the delayed pulse fed through the microcontroller unit, in contrast to the pulse fed through all of the stages of the second delay element. Claim 10 is amended to remove the phrases “or the like” and “such as” from the claim.

In regard to the rejections of claims 6 and 8-10, Applicant submits that the foregoing amendments resolve the issues raised in the Office Action. Accordingly, Applicant respectfully requests that the rejections of claims 6 and 8-10 under 35 U.S.C. 112, second paragraph, be withdrawn.

#### Response to Claim Rejections

Claims 1, 2, 5, and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Avenel (U.S. Pat. No. 6,657,536, hereinafter Avenel). Additionally, claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Avenel. Additionally, claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Avenel in view of Ellis (U.S. Pat. No. 5,760,700, hereinafter Ellis). Additionally, claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Avenel in view of Ott (U.S. Pat. Pub. No. 2002/0163419, hereinafter Ott). However, Applicant respectfully submits that these claims are patentable over Avenel, Ellis, and Ott at least for the reasons provided below.

#### Independent Claim 1

Claim 1 recites “there is arranged in the base station at least one first delay element for setting a defined, and in particular substantially constant, signal transit time within the base station, wherein the first delay element comprises a first multistage element with a first plurality of individual delay stages” (emphasis added). Claim 1 also recites “there is arranged in the transponder station at least one second delay element for setting a defined, and in particular substantially constant, signal transit time within the

transponder station, wherein the second delay element comprises a second multistage element with a second plurality of individual delay stages” (emphasis added).

In contrast, Avenel does not disclose a multistage element with individual delay stages. Avenel merely describes a reception terminal 23b with an analog delay line 27, generally. Avenel, Fig. 2. The delay line is intended for outputting the signal received with a predetermined delay  $\tau$ , for example in the order of 800 ns. Avenel, col. 8, lines 7-13. Hence, the delay line delays retransmission of a pulse by the predetermined delay, after which the pulse is transmitted to an amplifier and a transmission terminal, by way of a chopper. The delay line merely delivers the signal with a delay  $\tau$  to the amplifier. Avenel, col. 8, lines 38-40.

While Avenel describes the delay line within the reception terminal, Avenel does not appear to disclose any details of how the delay line might be implemented. More specifically, Avenel does not disclose implementing the delay line with a multistage element having individual stages. In fact, Avenel appears to be silent with regard to using any type of stages within the delay line because Avenel does not describe any specific implementations of the delay line. Therefore, Avenel does not disclose all of the limitations of the claim because Avenel does not disclose the delay line as a multistage element, as recited in the claim. Accordingly, Applicant respectfully submits that claim 1 is patentable over Avenel because Avenel does not disclose all of the limitations of the claim.

#### Dependent Claims

Claims 2-12 depend from and incorporate all of the limitations of independent claim 1. Applicant respectfully asserts claims 2-12 are allowable based on an allowable base claim. Additionally, each of claims 2-12 may be allowable for further reasons.

It should also be noted that the present Office Action does not provide any substantive rejections under 35 U.S.C. 102 or 103 directed to the subject matter of claims 8-10. Although the present Office Action rejects claims 8-10 as purportedly being indefinite under 35 U.S.C. 112, second paragraph, and although claims 8-10 are amended to clarify the language of the claims for the Examiner’s benefit, Applicant respectfully submits that the previous language of claims 8-10 was nevertheless definite as previously

presented. Hence, a substantive rejection of claims 8-10, if asserted under 35 U.S.C. 102 or 103 in a subsequent action, would be a first rejection of subject matter that is supported by the original language of the claims. Accordingly, any subsequent rejection of any of claims 8, 9, or 10, if asserted under 35 U.S.C. 102 or 103, should not be made final.

### CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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